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EXAMINER

HAMMOND, B

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 12/10/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/951,276

Applicant(s)
David McCarthy

Examiner
Brigitte R. Hammond

Group Art Unit
2833



- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-20 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received: _____.
- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “housing” and the “means for coupling said housing”, “means for partially covering gap” in claim 7, the “brush” in claim 8, the “screen” in claim 9, and the covering means mounted to the top of the receptacle unit and being carried by the receptacle unit as it is being displaced in claim 11 must be shown or the feature(s) cancelled from the claim(s). No new matter should be entered.

Claim Objections

2. Claims 4 and 12 are objected to because of the following informalities: claim 4, line 5 delete “said” after “the”, and claim 12 appears to have the same limitations as claim 3. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4,5,7-11, 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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5. The following claims are unclear to the examiner, how the gap space is defined in claim 4; the "housing" and the "means for coupling said housing"; "means for partially covering gap" in claim 7, how the "brush" in claim 8, and the "screen" in claim 9, prevent articles from falling into the gap space, and how the covering means that are mounted to the top of the receptacle unit are carried by the receptacle unit as it is being displaced in claim 11.

6. Claim 4 recites the limitation "the outer surface" in line 4, and claim 17 recites the limitation "the number..... article of furniture" in line 3, and claim 18 recites "the entire periphery" in lines 3 and 4. There is insufficient antecedent basis for these limitations in the claims.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3,6 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Byrne 4,747,788. Byrne discloses a retractable receptacle 150 with sidewalls (front side of box 152) adapted to be mounted in an opening in a top surface of an article of furniture 104, a gap 168, means for biasing 148, and locking means 180,182.

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9. Claims 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitchell et al. Mitchell et al. disclose an article of furniture 10 with a top surface 12, a receptacle unit 30, with a top 50 and a receptacle 48, and a housing 50 mounted on the underside of furniture 10.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4,5,7,8,10,13-15,17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byrne . Byrne discloses a gap space 166, to permit transmission lines to extend through and means 168 for covering the gap space. Byrne does not disclose each sidewall having a receptacle. However, on page 9 lines 54-57 Byrne discloses that the receptacle box 152 (which includes the walls) could be double sided to accommodate multiple receptacles. Also Lee teaches the use of multiple receptacles on multiple sidewalls. It would have been obvious to modify the receptacle of Byrne to include receptacles on multiple sidewalls to supply multiple outlet capacity. Also, since applicant has not disclosed that having a different sidewall of the receptacle unit facing a different side of the article of furniture as a critical feature, the variations are considered to be obvious.

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Insofar as claims 4,5,7-11, 17 and 18 can be understood due to the indefiniteness noted above, any differences between them and the applied reference deemed to have been obvious matter of design.

12. Byrne US Patents 4,551,577 and 5,351,173 were cited because they show similar articles of furniture with retractable units

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brigitte R. Hammond whose telephone number is (703) 305-0032.

The examiner can normally be reached on Monday - Thursday from 7:30 A.M. to 5:00 P.M..

The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley, can be reached on (703) 308-2319. Papers may be faxed directly to Group 2833 at (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1782.

Brigitte R. Hammond

December 2, 1998



Hien Vu
Primary Examiner